



Attorney Docket No.: JEK/BEU/KUN0002
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of)
)
D.A.M. Deutsche Angelgeräte)
Manufakture Hellmuth Kuntze)
GmbH & Co. KG)
)
for reissue of U.S. Patent No. 5,350,131)
)
Serial Number: 09/728,831)
)
Filed: December 1, 2000)
)
Inventors: Walter Baumgartner)
Dieter Hamann)
)

Elia
11/2/01
Request for
Reconsideration
#9
RECEIVED
DEC 28 2001
GROUP 3600

For: FISHING REELS WITH A SPOOL RECEIVING THE FISHING LINE

REQUEST FOR RECONSIDERATION

Honorable Commissioner For Patents
Washington, D.C. 20231

Sir:

This paper is in response to the Official Action dated June 26, 2001. A petition for a three-month extension of time together with the appropriate fees accompanies this response so that it is timely filed.

Reconsideration of the application is respectfully requested for the following reasons:

1. Consent of Assignee

In response to the first paragraph on page 2 of the Official Action, a Consent of Assignee form is attached. The Consent of Assignee form is signed by Joachim Exner, receiver in bankruptcy of the assignee, D.A.M. Deutsche Angelgeräte Manufaktur GmbH (successor to D.A.M. Deutsche Angelgeräte Manufaktur Hellmuth Kuntze GmbH & Co. KG).

Also attached is a new Certificate Under 37 CFR §3.73(b) establish the right of the legal successor to the original applicant to take action in the reissue, and supporting documents for the name change as follows:

- a. Commercial Register Sheet HR A 1960 officially indicating that a firm by the original name has ceased to exist;
- b. A document by the partners of the firm transferring all assets to a limited partnership having the new name (see page 3, last paragraph to page 4, first paragraph of this document); and
- c. Commercial Register Sheet HR B 1175 establishing the limited partnership under the new name (see Annex 4, sheet ("Blatt") 2, of this document)

Mr. Exner is authorized to act on behalf of the assignee, by order of the court is Ansbach, Germany. A copy of the court order is also attached. The paragraphs immediately following item 10 on page 1 of the order establish the bankruptcy proceeding for the assignee, while item 2 on page 2 of the order names Mr. Exner as the receiver ("Insolvenzverwalter").

2. Drawings

A separate letter requesting amendment of Figs. 3-5 is attached, together with copies of Figs. 3-5 in which the labels –Prior Art– are marked in permanent red ink, as required on page 2 of the Official Action.

Formal drawings labeled "Amended" as required by 37 CFR §1.121 are also attached hereto.

3. Defective Reissue Declaration

A new reissue declaration is attached. The new reissue declaration is signed by Mr. Joachim Exner, the party authorized to act on behalf of assignee as established by the attached bankruptcy court order.

The following corrections are included in the new reissue declaration:

- a. The typographic error in the patent number listed in the first paragraph of the declaration has been corrected;
- b. The inventor's residence, post office address, and citizenship has been added to page 3 of the declaration (and confirmed by the inventors);
- c. The first paragraph of the declaration has been revised to refer to "joint" rather than "sole" inventors, as required in item 3) on page 3 of the Official Action;
- d. The words "as defined in 37 CFR 1.56" have been added to the Duty to Disclose acknowledgment in the first paragraph on page 2 of the new declaration;
- e. The phrase "all errors which are being corrected in the present reissue application" has been added to the "without deceptive intention" paragraph on page 3 of the new declaration, as required in item 5 on page 3 of the Official Action.

Having thus overcome each of the objections and rejections listed in the Official Action, and in view of the indication of allowable subject matter on page 4 of the Official Action, expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC



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Date: December 20, 2001

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